

Data Protection Policy

Introduction

In order to conduct its business, services and duties, The Tarn Moor Estate processes a range of data, relating to its own operations and some which it handles with its agents. In broad terms, this data can be classified as:

- Data shared about the services it offers, its mode of operations and other information it is requested to make available.
- Confidential information and data such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential trustees, agents, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

The Tarn Moor Estate will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner and agent organisations it works with, local authorities, and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

This Policy will ensure information considerations are central to the ethos of the organisation.

The Charity will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Charity will be as transparent as possible about its operations and will work closely with partners and agents, and with local authorities, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the community. Details of information which is routinely available is set out on the Charity's website.

Protecting Confidential or Sensitive Information

The Tarn Moor Estate recognises it must at times, keep and process sensitive and personal information about both its volunteers, employees of its agents, and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018, and which, like the the Data Protection Act 1998 before it, seeks to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Charity with legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate, or someone transacting with it in some way, or an employee, Trustee or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

The Tarn Moor Estate processes **personal data** in order to:

- pursue the legitimate interests of its business and its duties as a charitable organisation, by fulfilling contractual terms with its agents and other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating its premises, if any, including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its trustees, agents, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Charity.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out the Charity's administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Charity will ensure that at least one of the following conditions is met for personal information to be fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Charity will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

The Charity as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Charity has delegated this responsibility day to day to the Clerk.

- Email: tarnmoorclerk@gmail.com
- Phone: 01756 711305
- Correspondence: The Pines, Draughton, Skipton, BD 23 6DU

Diversity Monitoring

The Tarn Moor Estate monitors the diversity of its trustees, and volunteers, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It would undertake similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Charity and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Charity will always give guidance on personnel data to trustees, agents, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Charity, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Charity is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Charity's Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Charity.

Processing is necessary for the Charity to perform a public task.

Information Security

The Charity cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting our Clerk.

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: the Clerk.

Information Deletion: If the individual wishes the Charity to delete the information about them, they can do so by contacting the Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.

The Charity does not use automated decision making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk, or the Information Commissioners Office casework@ico.org.uk
Tel: 0303 123 1113.

The Charity will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Charity maintains a website – www.tarnmoor.co.uk – which makes a significant amount of information available routinely, without waiting for someone specifically to request it. This is intended to encourage local people to take an interest in the work of the Charity and its role within the community.

Disclosure Information

The Charity will as necessary undertake checks on trustees and other volunteers with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Processing by Agents

The Charity will introduce a Data Protection Agreement, and require compliance with its terms by its agents, who are its data processors. The Agreement will therefore underpin the Charity's responsibilities for the handling of personal data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

Adopted by the Tarn Moor Estate:

Review Date: Annual